

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

USCOC OF GREATER MISSOURI, L.L.C.,

Plaintiff,

v.

Case No. 08-cv-41-JPG

CITY OF ALTON, ILLINOIS, an Illinois
political subdivision,

Defendant.

MEMORANDUM AND ORDER

Plaintiff USCOC of Greater Missouri, L.L.C. (“USCOC” or “Plaintiff”) and Defendant City of Alton, Illinois (“City” or “Defendant”) have agreed that the following Order should be entered on Plaintiff’s Complaint in the above-styled cause. The Court, being fully advised in the premises, issues the following Order which will dispose of all counts under Plaintiff’s Complaint:

IT IS HEREBY ORDERED that on or before May 2, 2008, Defendant shall issue the Special Use Permit necessary for the construction of Plaintiff’s Tower as described in Plaintiff’s Special Use Permit Application submitted to Defendant on September 10, 2007 (“Application”). The Special Use Permit shall be issued in accordance with the Application, and the Partial Site Plan – Option 1 attached hereto as Exhibit A. The parties agree that the entry of this Order is not an admission of liability by any involved party nor can it be used as precedential authority in any other similar issue involving either of the parties.

The Agreed Motion to Dismiss (Doc. 11) is **GRANTED**. This case is **DISMISSED** with prejudice; each party shall bear their own costs in this matter. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.
DATED: April 17, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE